

REMARKS

This is in response to the Office Action mailed on March 11, 2004, and the references cited therewith.

Claims 1, 7, and 14 are amended; as a result, claims 1-25 are now pending in this application.

Double Patenting Rejection

Claims 1-25 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-26 of U.S. Patent No. 6,696,980. Applicants are concurrently submitting herewith an executed Terminal Disclaimer for U.S. Patent No. 6,696,980. Thus, the double patenting rejections are no longer appropriate and should be withdrawn.

§103 Rejection of the Claims

Claims 1-13 and 21 were rejected under 35 USC § 103(a) as being unpatentable over Snyder (US 6,381,519) in view of DeMers et al. (US 6,346,892). It is of course fundamental that in order to sustain an obviousness rejection that each and every element in the rejected claims must be taught or suggested in the proposed combination of references.

With respect to independent claims 1 and 7, the combination of Snyder and DeMers does not teach a bezel having avionic communication, navigation, or transponder controls as is positively recited in Applicants' amended independent claims 1 and 7.

More specifically, DeMers is directed towards an avionic input device, which is a keyboard that surrounds a display. The techniques presented in DeMers permit a pilot to input character and numeric data into an avionic system in much the same way one uses a keyboard with a computer. The proposed keyboard includes alphabetic characters A-Z, numeric characters 0-9, a show key, a clear key, an undo key, and a go key. The go key is similar to a keyboard's enter or return key. The clear and undo keys are self explanatory. The show key is a display key. There is no teaching or suggestion of a teaching in DeMers where a bezel includes an avionic communication, navigation, or transponder control.

Additionally, one of ordinary skill in the art would have more likely modified Snyder by placing a keyboard around the display of Snyder, because without the keyboard having

alphabetic and numeric characters surrounding a display the teachings of DeMers is lost. That is, adding several additional keys for a variety of other features of an avionic system would further complicate the ease of use and accessibility of keys. This is precisely why DeMers has only 4 additional keys beyond the alphabetic and numeric characters.

DeMers wanted the bare minimum amount of keys to get desired features which provide a pilot with a new input device and that new input device is a modified keyboard and a bare minimum amount of additional keys to effectively use that keyboard. DeMers did not even include standard function keys associated with a keyboard because this would further complicate its input device, which needed to be simple, easy to access, and easy to use. Applicants believe that this is the interpretation one of ordinary skill in the art would have reached upon reading DeMers in connection with Snyder. Applicants respectfully disagree with the Examiner's conclusion that one of ordinary skill in the art would have taken features or input keys out of the DeMers teaching in order to insert avionic communication, navigation, or transponder controls therein.

Therefore, the rejections with respect to independent claims 1 and 7 should be withdrawn because the proposed Snyder and DeMers combination still lacks a bezel surrounding a display where that bezel has and is integrated with avionic communication, navigation, or transponder controls and because modification to Snyder with DeMers to achieve Applicants' claimed invention would necessarily have to move away from the very teachings of DeMers. Thus, Applicants assert that the Examiner's proposed combination could only have been constructed using improper hindsight and that the rejections are therefore improper.

With respect to independent claim 21, Applicants would like to point out to the Examiner that this was not adequately addressed in the Office Action. That is, the rationale the Examiner presented in the Office Action only addressed the bezel and the controls integrated therein; however, this limitation is not present in Applicants' independent claim 21. Thus, Applicants will provide a discussion below as to why the proposed combination of Snyder and DeMers does not teach claim 21, but since Applicants are not aware of any rationale with respect to this rejection, Applicants respectfully assert that any subsequent action by the Examiner regarding this Amendment and Response cannot be a final and must be another non-final action or as Applicants' believe a Notice of Allowance.

Applicants note that there is no Figure or description in Snyder or DeMers where flight setting data is presented in “contiguous locations” within a flight display. Additionally, there is no discussion or suggestion of a teaching in Snyder or DeMers where flight controls include a transponder control. Accordingly, the combination of Snyder and DeMers lacks the teachings and limitations positively recited in Applicants’ independent claim 21 and thus the rejection with respect to claim 21 should be withdrawn and this claim permitted to issue.

Claims 14, 16-20 and 25 were rejected under 35 USC § 103(a) as being unpatentable over Snyder in view of DeMers et al. and Bomans et al. (US 6,236,913). Again, in order to sustain an obviousness rejection each and every element of the rejected claims must be taught or suggested in the proposed combination of references.

The Examiner has concluded that Bomans teaches first and second like displays presented immediately adjacent to one another on the basis of viewing FIG. 2. However, a reading of Snyder reveals that FIG. 2 is a discussion concerning a single screen. A screen is associated with one display and not two displays which would have been two screens.

The Examiner’s attention is directed to column 3 lines 33-36, column 4 lines 8-22 and lines 28-29, and more particularly to column 5 lines 31-48. Here, Bomans discusses FIG. 2 in greater detail. Upon reading this, the Examiner will realize that Bomans teaches a single Multipurpose Control Display Unit (MCDU), which is a single display having a single screen. *Emphasis added.* The MCDU has multiple regions within a single screen and each region is grouped into zones. The two identical displays asserted by the Examiner are in fact different zones within a single display and within a single screen.

Accordingly, Applicants respectfully disagree with the Examiner that the combination of Snyder, DeMers, and Bomans teach each and every aspect of Applicants’ independent claim 14, since Applicants’ independent claim 14 positively recites a first display and a second display, which is clearly two separate displays and not a same and single display. In Bomans if the MCDU fails there is no redundancy. In Applicants’ invention if the first display fails the second display remains. Thus, Applicants respectfully request that the Examiner remove the rejection with respect to claim 14 and permit this claim to issue.

Claim 15 was rejected under 35 USC § 103(a) as being unpatentable over Snyder in view of DeMers et al. and Bomans et al. (913) and Oder et al. (US 5,475,594). Claim 15 is dependent from amended independent claim 14. Thus, for the remarks and amendment presented above with respect to independent claim 14 this rejection should be withdrawn.

Claim 22 was rejected under 35 USC § 103(a) as being unpatentable over Snyder in view of DeMers et al. and Devino (US 4,598,292). Claim 22 is dependent from amended independent claim 21. Thus, for the remarks and amendment presented above with respect to independent claim 21 this rejection should be withdrawn.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

DALE LANGER ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(513) 942-0224

Date 6-10-04

By Joseph P. Mehrle
Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10 day of June, 2004.

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Ando Bessie
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